

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

James R. <i>Bartholomew</i> , individually and on behalf of all others similarly situated,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 08 CV 4910 (AKH)
)	
Morgan Stanley and Morgan Stanley & Co. Incorporated,)	
)	
Defendants.)	

NOTICE OF DISMISSAL

Plaintiff James R. Bartholomew, by his undersigned counsel and pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), hereby voluntary dismisses this action without prejudice.

DATED: February 27, 2009

Respectfully submitted,

/s/

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Local Counsel

CERTIFICATE OF SERVICE

I, Elizabeth Tripodi, one of the counsel for Plaintiff in the above-referenced action, do hereby certify that on February 27, 2009, a true and correct copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the notice of electronic filing. Parties may access this filing through the Court's CM/ECF System.

/s/
Elizabeth K. Tripodi